

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

IN RE: Martin Gabriel Sendejas  
Brenda Veronyka Sendejas  
fka Brenda Origel  
fka Brenda Martinez

CASE NO.: 18-21134  
CHAPTER 7

Debtors

**MOTION FOR RELIEF FROM AUTOMATIC STAY AND ABANDONMENT OF  
REAL PROPERTY**

PennyMac Loan Services, LLC, (“Movant”) hereby moves this Court for abandonment, pursuant to 11 U.S.C. §554 and relief from the automatic stay, pursuant to 11 U.S.C. §362 with respect to certain real property of the Debtors having an address of 4326 Baltimore Ave, Hammond, IN 46327 (the “Property”).

In further support of this Motion, Movant respectfully states:

1. A Petition under Chapter 7 of the United States Bankruptcy Code was filed with respect to the Debtors on April 30, 2018.
2. The Debtors have executed and delivered or are otherwise obligated with respect to that certain promissory note in the original principal amount of \$78,958.00 (the "Note"). A copy of the Note is attached hereto as Exhibit "A". Movant is an entity entitled to enforce the Note.
3. Pursuant to that certain Mortgage (the "Mortgage"), all obligations (collectively, the "Obligations") of the Debtors under and with respect to the Note and the Mortgage are secured by the Property. A copy of the Mortgage is attached here to as Exhibit "B".

4. All rights and remedies under the Mortgage have been assigned to the Movant pursuant to that certain assignment(s) of mortgage, a copy of which is attached hereto as Exhibit "C".

5. The legal description of the Property is:

Lots 38 and 39 and the North Half of Lot 37 in Block 6 in Rolling Mill Addition, to the City of Hammond, a per plat thereof, Recorded in Plat Book 1 Page 105, in the Office of the Recorder of Lake County, Indiana.

6. As of June 28, 2018, the outstanding principal of the Note was \$68,072.47. As of June 28, 2018, the outstanding amount of the obligations under the Note and Mortgage less any partial payments or suspense balance is \$70,072.53.

7. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, Movant has also incurred legal fees and expenses in connection with seeking the relief requested in this Motion. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, of the Bankruptcy Code and otherwise applicable law.

8. Cause exists for relief from the automatic stay and abandonment of the real estate for the following reasons:

(a) Movant's interest in the Property is not adequately protected.

(b) Pursuant to 11 U.S.C. §362(d)(2)(A), Debtor(s) have no equity in the Property; and pursuant to §362(d)(2)(B), the Property is not necessary for an effective reorganization.

9. The Movant hereby waives the right under 11 U.S.C. §362(e) to a hearing on this motion within thirty (30) days of the date it is filed.)

WHEREFORE, the Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Relief from the stay for all purposes allowed by the Note, the Mortgage, and applicable law, including but not limited to allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
2. That the 14-day stay described by Bankruptcy Rule 4001(A)(3) be waived.
3. That the Property be deemed abandoned by the Trustee as an asset of the bankruptcy estate effective upon entry of the Court's order.
4. For such other relief as the Court deems proper.

MARINOSCI LAW GROUP, P.C.

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**CERTIFICATE OF SERVICE**

I certify that on the 20th day of August, 2018, service of a true and complete copy of the Motion for Relief from Automatic Stay and Abandonment of Property was served upon each party or attorney of record herein by the Court's Electronic Case Filing System or by depositing same in the United States Mail in envelopes properly addressed to each of them and with sufficient first class postage affixed.

U.S. Trustee  
100 East Wayne Street  
5th Floor  
South Bend, IN 46601-2349

Kenneth A. Manning, Trustee  
200 Monticello Drive  
Dyer, IN 46311

Jonathan Kurt Clasing, Esq.  
55 E. Monroe St., Suite 3400  
Chicago, IL 60603

Brenda Veronyka Sendejas fka Brenda Origel fka Brenda Martinez, Debtor  
4326 Baltimore Ave  
Hammond, IN 46327

Martin Gabriel Sendejas, Debtor  
4326 Baltimore Ave  
Hammond, IN 46327

All parties listed on the attached Matrix

/s/ David M. Bengs

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